

VIA ECF

February 10, 2023

The Honorable Analisa Torres  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312  
Courtroom: 15D

Re: *In re Application of Forensic News LLC & Scott Stedman for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in a Foreign Proceeding*, No. 1-22-mc-347

Dear Judge Torres:

We write as counsel for Petitioners Forensic News LLC and Scott Stedman to provide the Court with a copy of the decision of the English High Court of Justice (King's Bench Division) denying Intervenor Walter Soriano's Anti-Suit Application in the United Kingdom (the "Anti-Suit Application").<sup>1</sup> In the Anti-Suit Application, Soriano asked the UK High Court to enjoin Petitioners from pursuing the present application before this Court pursuant to 28 U.S.C. § 1782 for leave to take discovery from HSBC Bank USA, N.A. ("HSBC USA"). Soriano relied on the Anti-Suit Application as the basis for his pending motion to stay further proceedings in this Court. *See* Dkts. 14, 16. Today the UK High Court denied Soriano's Anti-Suit Application in full, mooted Soriano's motion for a stay. *See* Dkt. 18 at 3, 12-13.

The UK High Court's order also confirms the lack of merit to Soriano's argument that Petitioners' Section 1782 application improperly seeks "to circumvent foreign proof-gathering limits." *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 244 (2004). The High Court specifically acknowledged that Petitioners "are pursuing a legitimate means of obtaining evidence" in the United States. Ex. A ¶ 55. The High Court further held that "it is legitimate to seek the assistance of a foreign court, such as the federal District Court in New York, where that court has power to provide such assistance." *Id.* ¶ 45. The High Court's decision thus confirms that the third discretionary *Intel* factor weighs in favor of Petitioners and supports discovery here. *See* Dkt. 18 at 10-12.

As set forth in Petitioners' prior briefs, because Petitioners' application satisfies all of the statutory requirements for issuance of discovery pursuant to Section 1782, and all discretionary factors also weigh in favor of discovery, the application should be granted. *See*

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<sup>1</sup> Attached hereto as Exhibits A and B, respectively, are true and correct copies of the High Court's Approved Judgement and Order.

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*Intel Corp.*, 542 U.S. 241.

Petitioners therefore respectfully request that this Court (i) deny Soriano's motion to stay as moot and (ii) grant Petitioners' application to serve the proposed subpoena on HSBC USA for all of the reasons identified in their memoranda of law. *See* Dkts. 4, 18.

As always, we thank the Court for its consideration.

Respectfully submitted,

/s/ Anne Champion  
Anne Champion

CC: All attorneys of record